THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.2713 of 2007

Between:

Mujtaba Hussain Sajid.

.. PETITIONER

and

The Commissioner of Police,
Hyderabad City, and others.

..
RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

-

This writ petition is filed seeking a writ of Mandamus declaring the

action of the 2nd and 3rd respondents in interfering with the civil dispute pending before the Principal Rent Controller, City Small Causes Court, Hyderabad, in R.C.No.150 of 2005, as illegal and arbitrary.

It is stated that the petitioner is the landlord and the 4th respondent is the tenant in respect of premises bearing No.23-1-432/2/1 & 2 and part of the premises bearing No.23-1-432/2 situated at Hussain Kothi, Kotle Alijah, Hyderabad.

It is further stated that he filed R.C.No.150 of 2005 seeking eviction of the tenant-4th respondent on the ground of wilful default, acts of waste and bonafide requirement.

It is further stated that the 4th respondent has filed a counter in the above eviction petition, wherein the ownership has not been disputed but other allegations have been disputed.

It is further stated that though the eviction petition is pending, at the instance of the 4th respondent, respondents 2 and 3 are interfering with the civil dispute of the petitioner.

I am of the opinion that if any police official interferes with the civil rights of any private citizen and if the said allegations are found to be true, it constitutes serious offence against the said police officials. But, however, I am of the opinion that without taking recourse available under code of Criminal Procedure by filing written representation before the higher officials of police and without taking recourse by filing a private complaint under Section 200 Cr.P.C. before the concerned Magistrate, it is not just and proper to entertain the writ petition under Article 226 of the Constitution of India.

The writ petition is, accordingly, dismissed, with a liberty to take appropriate action, in accordance with law. There shall be no order as to

costs.

15-02-2007

Prv